

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF ILLINOIS  
EASTERN DIVISION

IRA HOLTZMAN, Individually and as the	)	
representative of a class of similarly-	)	
situated persons	)	
	)	
Plaintiff,	)	No. 07 C 7279
	)	
v.	)	Judge Manning
	)	Magistrate Judge Cole
MICHAEL P. CAPLICE, d/b/a M. P.	)	
CAPLICE & ASSOCIATES	)	
	)	
Defendant.	)	

**NOTICE OF THE UNITED STATES' INTENT TO SEEK INTERVENTION**

Defendant has challenged the constitutionality of the Telephone Consumer Protection Act of 1991 ("TCPA"), 47 U.S.C. § 227, in its motion to dismiss entered January 2, 2008. On January 31, 2008, the United States entered a notice of potential participation requesting that it be afforded the opportunity to decide whether to intervene in this action, pursuant to 28 U.S.C. § 2403, pending consideration by the Solicitor General of the United States. The United States indicated that it would notify this Court of its intention to intervene by February 25, 2008. In its minute order dated February 2, 2008, this Court stayed briefing on defendant's motion to dismiss and entered a status hearing for February 27, 2008.

The Solicitor General has determined that the United States will seek to intervene in this action for the limited purpose of defending the constitutionality and application of the TCPA. Accordingly, the United States expects to file both a motion to intervene and a memorandum in defense of the constitutionality and application of the TCPA in this action in accordance with the schedule established by this Court during the February 27, 2008 status conference.

Dated: February 25, 2008

Respectfully submitted,

JEFFREY S. BUCHOLTZ  
Acting Assistant Attorney General

PATRICK J. FITZGERALD  
United States Attorney

THEODORE C. HIRT  
Assistant Branch Director

/s/ Stephen J. Buckingham  
STEPHEN J. BUCKINGHAM  
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**CERTIFICATE OF SERVICE**

The undersigned hereby certifies that the following document:

NOTICE OF THE UNITED STATES' INTENT TO SEEK INTERVENTION

was served on this 25th day of February, 2008, in accordance with FED. R. CIV. P. 5, LR 5.5, and the General Order on Electronic Case Filing (ECF) pursuant to the district court's system as to ECF filers.

/s/ Stephen J. Buckingham  
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